

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE J		PAGE OF PAGES 1 19	
2. AMENDMENT/MODIFICATION NO. 0004		3. EFFECTIVE DATE 05-Mar-2004		4. REQUISITION/PURCHASE REQ. NO. W16ROE-3336-3569		5. PROJECT NO.(If applicable)	
6. ISSUED BY USA ENGINEER DISTRICT, NEW YORK ATTN: CENAN-CT ROOM 1843 26 FEDERAL PLAZA NEW YORK NY 10278		CODE W912DS		7. ADMINISTERED BY (If other than item 6) PROGRAM/BUDGET TEAM 26 FEDERAL PLAZA NEW YORK NY 10278-0090		CODE DACW51	
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)				X		9A. AMENDMENT OF SOLICITATION NO. W912DS-04-B-0003	
				X		9B. DATED (SEE ITEM 11) 24-Dec-2003	
						10A. MOD. OF CONTRACT/ORDER NO.	
						10B. DATED (SEE ITEM 13)	
CODE		FACILITY CODE					
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS							
<input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offer <input type="checkbox"/> is extended, <input checked="" type="checkbox"/> is not extended. Offer must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.							
12. ACCOUNTING AND APPROPRIATION DATA (If required)							
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.							
A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.							
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).							
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:							
D. OTHER (Specify type of modification and authority)							
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.							
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) The purpose of this amendment is to (i) incorporate the attached changes to the bid schedule and (ii) incorporate the attached changes to the specifications and plans. The date of receipt of bids, 17 March 2004 at 11:00 A.M., local time, remains unchanged. All other terms remain unchanged as a result of this amendment. NOTE: Bidders must acknowledge receipt of this amendment by the date specified in the solicitation (or as amended) by one of the following methods: in the space provided on the SF1442, by separate letter, by telegram, or by signing block 15 below. FAILURE TO ACKNOWLEDGE AMENDMENTS BY THE DATE AND TIME SPECIFIED MAY RESULT IN REJECTION OF YOUR BID IN ACCORDANCE WITH THE LATE BID, LATE MODIFICATIONS OF BIDS OR LATE WITHDRAWAL OF BIDS (FAR14.304).							
Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.							
15A. NAME AND TITLE OF SIGNER (Type or print)				16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)			
				TEL: _____ EMAIL: _____			
15B. CONTRACTOR/OFFEROR _____ (Signature of person authorized to sign)		15C. DATE SIGNED		16B. UNITED STATES OF AMERICA BY _____ (Signature of Contracting Officer)		16C. DATE SIGNED 05-Mar-2004	

SECTION SF 30 BLOCK 14 CONTINUATION PAGE

SUMMARY OF CHANGES

SECTION 00010 - SOLICITATION CONTRACT FORM

ITEM NO 0001	SUPPLIES/SERVICES CONSTRUCT NAVIGATION CHANNEL	QUANTITY	UNIT Lump Sum	UNIT PRICE	
				NET AMT	

ITEM NO 0001AA	SUPPLIES/SERVICES MOBILIZATION AND DEMOBILIZATION	QUANTITY 1	UNIT Lump Sum	UNIT PRICE	AMOUNT
				NET AMT	<hr/>

ITEM NO 0001AB	SUPPLIES/SERVICES DEBRIS REMOVAL AND DISPOSAL (EST.)	QUANTITY 200	UNIT Ton	UNIT PRICE	AMOUNT
				NET AMT	<hr/>

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001AC		383,600	Cubic Yard		

DREDGING, OFFLOADING, TRANSPORTATION, DELIVERY,
PROCESSING AND PLACEMENT OF NON-ROCK MATERIALS
UNSUITABLE FOR PLACEMENT AT THE HARS, EXCLUDES
DEWATERING: **ITEM 0001AD** PLACEMENT AT THE CONTRACTOR'S
IDENTIFIED PROCESSING and DISPOSAL FACILITY (IES);

Name of Site (s) _____
Name of POC(s) _____
Address of Site (s) _____

Phone Number(s) _____

NET AMT

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001AD	DEWATERING	383,600	Cubic Yard		

IN ACCORDANCE WITH THE HOST STATE WQC AND PROCESSING &
DISPOSAL FACILITY (IES) TERMS AND CONDITIONS FOR UPLAND
PLACEMENT.

NET AMT

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001AE		1,058,000	Cubic Yard		

DREDGING, TRANSPORTATION, DELIVERY, AND PLACEMENT OF NON-ROCK MATERIALS SUITABLE FOR PLACEMENT AT THE HARS **AND** THE DRILLING, BLASTING, DREDGING, AND DISPOSAL OF ROCK MATERIALS AT THE ARTIFICIAL REEF PLACEMENT SITE

NET AMT

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001AF		15	Each		
	SUBSURFACE DRILLING AND SAMPLING				

NET AMT

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001AG	FIELD OFFICE	1	Lump Sum		

NET AMT

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001AH		45,000	Cubic Yard		

DREDGING, TRANSPORTATION, DELIVERY, AND PLACEMENT OF NON-ROCK MATERIALS UNSUITABLE FOR PLACEMENT AT THE HARS for PLACEMENT AT THE NEWARK BAY **CONFINED DISPOSAL FACILITY**, (NBCDF)

NET AMT

TOTAL BASE BID: \$_____

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001AJ		45,000	Cubic Yard		

DELETED IN ITS ENTIRETY

DREDGING, TRANSPORTATION, DELIVERY, AND PLACEMENT OF NON-ROCK MATERIALS UNSUITABLE FOR PLACEMENT AT THE HARS for PLACEMENT AT THE NEWARK BAY CONFINED DISPOSAL FACILITY, (NBCDF) (ESTIMATED).

NET AMT

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0002		1	Lump Sum		
OPTION	OPTIONAL INSURANCE				
	IAW SECTION 00800, PAGE 19, PARA. 1.32 (IF EXERCISED).				

NET AMT

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE
0003				
OPTION	MATERIALS WITHIN CHANNEL AREA 1			
	(NORTH OF SHOOTER'S POINT) (IF EXERCISED)			

NET AMT

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0003AA		1	Lump Sum		
OPTION	MOBILIZATION AND DEMOBILIZATION				

NET AMT

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0003AB		68,000	Cubic Yard		

OPTION

DREDGING, OFFLOADING, TRANSPORTATION, DELIVERY,
PROCESSING AND PLACEMENT OF NON-ROCK MATERIALS
UNSUITABLE FOR PLACEMENT AT THE HARS, EXCLUDES
DEWATERING: **ITEM 0003AC** PLACEMENT AT THE CONTRACTOR'S
IDENTIFIED PROCESSING and DISPOSAL FACILITY (IES);

Name of Site (s) _____

Name of POC(s) _____

Address of Site (s) _____

Phone Number(s) _____

NET AMT

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0003AC		68,000	Cubic Yard		

OPTION

DEWATERING IN ACCORDANCE WITH THE HOST STATE WQC AND
PROCESSING & DISPOSAL FACILITY (IES) TERMS AND CONDITIONS
FOR UPLAND PLACEMENT.

NET AMT

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0003AD		160,000	Cubic Yard		

OPTION

DREDGING, TRANSPORTATION, DELIVERY, AND PLACEMENT OF NON-ROCK MATERIALS SUITABLE FOR PLACEMENT AT THE HARS **AND** THE DRILLING, BLASTING, DREDGING, AND DISPOSAL OF ROCK MATERIAL AT THE ARTIFICIAL REEF PLACEMENT SITE

NET AMT

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE
0004				
OPTION				

ALL MATERIALS AROUND PIPES, UTILITIES AREA 1 (IF EXERCISED).

NET AMT

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0004AA		1	Lump Sum		
OPTION	MOBILIZATION AND DEMOBILIZATION				

NET AMT

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0004AB		119,000	Cubic Yard		

OPTION

DREDGING, OFFLOADING, TRANSPORTATION, DELIVERY,
PROCESSING AND PLACEMENT OF NON-ROCK MATERIALS
UNSUITABLE FOR PLACEMENT AT THE HARS, EXCLUDES
DEWATERING: **ITEM 0004AC** PLACEMENT AT THE CONTRACTOR'S
IDENTIFIED PROCESSING and DISPOSAL FACILITY (IES);

Name of Site (s) _____

Name of POC(s) _____

Address of Site (s) _____

Phone Number(s) _____

NET AMT

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0004AC		119,000	Cubic Yard		

OPTION

DEWATERING IN ACCORDANCE WITH THE HOST STATE WQC AND
PROCESSING & DISPOSAL FACILITY (IES) TERMS AND CONDITIONS
FOR UPLAND PLACEMENT

NET AMT

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0004AD		93,300	Cubic Yard		

OPTION

DREDGING, TRANSPORTATION, DELIVERY, AND PLACEMENT OF NON-ROCK MATERIALS SUITABLE FOR PLACEMENT AT THE HARS **AND** THE DRILLING, BLASTING, DREDGING, AND DISPOSAL OF ROCK MATERIALS AT THE ARTIFICIAL REEF PLACEMENT SITE

NET AMT

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE
0005 OPTION				

ALL MATERIALS AROUND PIPES, UTILITIES AREA 2 (IF EXERCISED).

NET AMT

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0005AA		1	Lump Sum		
OPTION	MOBILIZATION AND DEMOBILIZATION				

NET AMT

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0005AB		2,000	Cubic Yard		

OPTION

DREDGING, OFFLOADING, TRANSPORTATION, DELIVERY,
PROCESSING AND PLACEMENT OF NON-ROCK MATERIALS
UNSUITABLE FOR PLACEMENT AT THE HARS, EXCLUDES
DEWATERING: **ITEM 0005AC** PLACEMENT AT THE CONTRACTOR'S
IDENTIFIED PROCESSING and DISPOSAL FACILITY (IES);

Name of Site (s) _____

Name of POC(s) _____

Address of Site (s) _____

Phone Number(s) _____

NET AMT

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0005AC		2,000	Cubic Yard		

OPTION

DEWATERING IN ACCORDANCE WITH THE HOST STATE WQC AND
PROCESSING & DISPOSAL FACILITY (IES) TERMS AND CONDITIONS
FOR UPLAND PLACEMENT

NET AMT

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0005AD		29,000	Cubic Yard		
OPTION	DREDGING, TRANSPORTATION, DELIVERY, AND PLACEMENT OF NON-ROCK MATERIALS SUITABLE FOR PLACEMENT AT THE HARS AND THE DRILLING, BLASTING, DREDGING, AND DISPOSAL OF ROCK MATERIALS AT THE ARTIFICIAL REEF PLACEMENT SITE				

NET AMT

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE
0006				
OPTION	ALL MATERIALS AROUND PIPES, UTILITIES AREA 3 IF EXERCISED).			

NET AMT

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0006AA		1	Lump Sum		
OPTION	MOBILIZATION AND DEMOBILIZATION				

NET AMT

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0006AB		6,400	Cubic Yard		

OPTION

DREDGING, OFFLOADING, TRANSPORTATION, DELIVERY,
PROCESSING AND PLACEMENT OF NON-ROCK MATERIALS
UNSUITABLE FOR PLACEMENT AT THE HARS, EXCLUDES
DEWATERING: **ITEM 0006AC** PLACEMENT AT THE CONTRACTOR'S
IDENTIFIED PROCESSING and DISPOSAL FACILITY (IES);

Name of Site (s) _____

Name of POC(s) _____

Address of Site (s) _____

Phone Number(s) _____

NET AMT

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0006AC		6,400	Cubic Yard		

OPTION

DEWATERING IN ACCORDANCE WITH THE HOST STATE WQC AND
PROCESSING & DISPOSAL FACILITY (IES) TERMS AND CONDITIONS
FOR UPLAND PLACEMENT

NET AMT

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0006AD		21,000	Cubic Yard		

OPTION

DREDGING, TRANSPORTATION, DELIVERY, AND PLACEMENT OF NON-ROCK MATERIALS SUITABLE FOR PLACEMENT AT THE HARS **AND** THE DRILLING, BLASTING, DREDGING, AND DISPOSAL OF ROCK MATERIALS AT THE ARTIFICIAL REEF PLACEMENT SITE

NET AMT

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0006AE		1	Lump Sum		

REMOVAL AND DISPOSAL OF ABANDONED TELEPHONE CABLE

NET AMT

TOTAL BASE BID PLUS OPTIONAL ITEMS: \$ _____

The following have been modified:

NOTES TO SCHEDULE

NOTES FOR PRICE SCHEDULE:

- 1 Bidders are required to bid on both the Base Bid Items and the Optional Items on the Price Schedule or their bid will be rejected.
- 2 The low bidder for the purpose of award will be the conforming responsible bidder offering the lowest amount for the Total Base Bid & Optional Items.
- 3 Any bid which is materially unbalanced as to the price for the Base Bid Item and Optional Items may be rejected. An unbalanced bid is one, which is based on price significantly less than the cost for some work and prices are significantly overstated for other work.
- 4 Bidders are reminded that they must bid on the issued plans and specifications as amended. Any deviations, conditions or attachments made by the bidders thereto may render the bid non-responsive and be cause for its rejection.
- 5 The Optional Items, if awarded, may be awarded within **450** calendar days from issuance of the Notice to Proceed date. Options may be awarded separately or together. Payment under Option Item Nos, **0003AA, 0004AA, 0005AA, and 0006AA** MOBILIZATIONS AND DEMOBILIZATION, will be made under this contract only upon complete documentation by the Contractor that a mobilization surcharge has been appropriately incurred by the approved upland processor and placement site due to the exercise of the option. No other payment will be made under this contract for additional mobilization activities. The Government is under no obligation to award all or any of the Optional Items
- 6 The Newark Bay Confined Disposal Facility (NBCDF) may not be used. Unless the WQC conditions allow for its use and as directed by the Contracting Officer or the Contracting Officer's Representative (COR).
- 7 The apparent low bidder shall submit the documents specified in Section 00800: Special Contract Requirements, **CONTRACTOR'S IDENTIFIED** Offloading, Processing and Disposal Site Compliance. If the apparent low bidder does not submit the information required to be submitted within the times specified the Contractor will be considered non-responsible and its bid rejected.
- 8 Bidders will identify their offloading, processing and disposal sites with their bid. Bidders will write on the blank lines provided on the Price Schedule Line Item **0001AC** and the options as indicated above the name(s) of the site(s), POC(s), address(s) and phone(s) of their site(s) included in that line item.
- 9 **DISPOSAL SITE COMPLIANCE**
The Apparent low bidder must demonstrate to the Government **within 70 calendar** days from the date the Apparent low bidder is notified of being the low bidder; that the **CONTRACTOR'S IDENTIFIED** site(s) is operational, capable of offloading, processing and disposing of the Non rock material unsuitable for placement at the HARS on that date for the in-situ quantity as per line items **CLIN 0001AC** and the options as indicated above, is in compliance with the New Jersey Department of Environmental Protection and/or with the New York State Department of State Coastal Zone Management (CZM) Program Policies or other host state compliance as appropriate for the offloading, processing and disposal of dredged material.

The following have been added by full text:

AMENDMENT #4

W912DS-04-B-0003

Amendment No. 4

Bid opening date is scheduled for 17 March 2004 at 11:00 A.M.

1. The following changes shall be made to the specifications and plans.

1) SPECIFICATIONS:

SECTION 00010

Replace Price Schedule with notes with the attached new Price Schedule and notes.

SECTION 00800

1- Delete section 00800 paragraph 1.1 a, page 00800-1 in its entirety and replace it with the paragraph below:

a. The Contractor shall (i) commence work under this contract within five (5) calendar days after the date the Contractor receives the initial Notice to Proceed, (ii) prosecute the work diligently, and (iii) complete dredging and disposal of non-rock material and the work associated with the drilling, blasting, dredging, and disposal of rock material within **490 calendar days** for the basic contract from the date the Contractor receives the Notice to Proceed (NTP). The completion shall include final cleanup of premises including project site and field office area. The Contractor shall submit a written Accident Prevention Plan with the copy of Certificates of Inspection of floating plant and scows for review and approval within fifteen (15) calendar days after receipt of Notice to Proceed of contract.

If Exercised the contractor is prohibited from working on (**Contract Line Item "CLIN"**) CLIN 0003 or CLIN 0004 or CLIN 0005 or CLIN 0006 until approval is given by the Contract Officer or Contract Officer Representative (COR) for each CLIN.

The Optional Items with the exception of CLIN 0002 will be exercised, if at all within **450** calendar days from issuance of the Notice to Proceed date. CLIN 0002 will be exercised, if at all within **120** calendar days. The Government is under no obligation to exercise any or all of the Optional Items. The contract duration will be increased **100** calendar days if CLIN 0003 is exercised; **55** calendar days if CLIN 0004 is exercised; **15** calendar days if CLIN 0005 is exercised and **15** calendar days if CLIN 0006 is exercised.

Work associated with the removal of rock, such as the pre-treatment of rock, blasting and the dredging of rock material, is prohibited unless authorized in writing by the Contracting Officer or Contracting Officer Representative (COR). Written authorization is anticipated to be issued between 1 November 2004 and 1 April 2005.

SECTION 00902

1-Add to the existing permits the amended New York DEC Water Quality Certification (DEC permit number 2-6499-00001/00002) dated February 26, 2004, which accompanies and

New Jersey DEP Federal Consistency Determination/Water Quality Certification (File: 0000-03-0035.1 (CDT 030002)) dated February 24, 2004 and

New York DEC Water Quality Certification (DEC permit number 2-6499-00001/00002) dated February 19, 2004, which accompanies.

SECTION 00903

1-Add a Map Location of the cable lines in Utilities Area 3 to this section, which accompanies.

SECTION 01130

1- Add the new paragraph below to Section 01130 paragraphs 1. 7-page 01130-2,

C-Turbidity Control

Turbidity control (silt curtains) shall be provided in strict accordance with the requirements of the state of New York DEC Water Quality Certification (DEC permit number 2-6499-00001/00002), The contractor shall comply with all provisions of the permits. Copies of the actual permits are provided with the specs and/or amendments.

SECTION 01270

1-Delete Section 01270 in its entirety and replace with it the attached New Section 01270, which accompanies.

SECTION 01330

1-SUBMITTAL PROCEDURES: Add a new page 01330-12, which accompanies

SECTION 002200

1- Delete section 02200 paragraph 4.2 page 8 and replace it with the paragraph below:

4.2-Blasting.

-Blasting shall be confined to daylight hours during the period **from 2 hours after sunrise to 1 hour before sunset.**

-Blasting is **prohibited on Sundays and Federal holidays.**

-Blasting shall not be conducted when temperature inversions or heavy, low-level cloud cover exists.

-Blasting is **permitted in Acceptance areas C, D, E, F and G, of Area 2 Monday thru Saturday** and blasting is **permitted in the remaining of Area 2 from Thursday thru Saturday**

SECTION 02220

1-Add a new section: **Section 02220 "TELEPHONE CABLE REMOVAL"** to the specifications, which accompanies

SECTION 02900

1-Delete section 02900 paragraphs 5.5.3.2 and 5.5.3.3 page 5 and replace them with the revised paragraphs below:

5.5.3.2 -Area 2, **excluding Acceptance Areas C, D, E, F and G**, within the existing Federal Channel will remain open to traffic, including during rock removal operations.

5.5.3.3 -Area 2 **excluding Acceptance Areas C, D, E, F and G** within the existing Federal Channel shall be maintained at **35 ft MLW** in areas that are not beneath the dredges or drilling equipment to allow for ship traffic.

And Acceptance Areas B, C, D, E, F and G shall be maintained at **25 ft MLW** in areas that are not beneath the dredges or drilling equipment to allow for ship traffic .

2-Section 02900 Paragraph 7.4 b), second paragraph on pages 02900-17 and 18. The paragraph below was deleted by mistake in amendment #3. This paragraph below will stay as is in the original specs.

“Regardless of the sea conditions, any waves breaking into a scow, resulting in water or sediment washing out of a scow will constitute unauthorized and illegal discharge of dredged material. It is up to the contractor to ensure that such discharge does not occur. Likewise, placement of dredged material within the confines of a designated placement grid or other designated area is always the responsibility of the contractor, and contractors will not receive compensation for dredged material placed outside of the designated placement areas, for any reason. The contractor should plan accordingly for occasional weather/sea condition delays and ensure that all equipment used for dredged material placement is in proper working condition, and that all personnel involved with dredged material placement are aware of the requirements regarding placement location and placement conditions.”

3- Add the paragraph below to Section 02900 paragraph 6.6 sub-paragraph 7 page 02900-12,

The Contractor can identify an alternate site for **the decanting water scows**. **All Decant water** shall be **discharge** into the Arthur Kill. Contractor shall submit with his bid the location and point of contact for the decant water holding scow site location. Decant water holding scows and decant water discharge shall be in accordance with but not limited to the New York DEC Water Quality Certification (DEC permit number 2-6499-00001/00002) and the New Jersey DEP Federal Consistency Determination/Water Quality Certification (File: 0000-03-0035.1 (CDT 030002)

2) DRAWINGS:

1-The following drawings, have been amended:

Drawings: CC-AK2-201-204-205-208

SECTION 00700 - CONTRACT CLAUSES

The following have been modified:

52.211-10 COMMENCEMENT, PROSECUTION, AND COMPLETION OF WORK (APR 1984)

The Contractor shall be required to (a) commence work under this contract within **5** calendar days after the date the Contractor receives the notice to proceed, (b) prosecute the work diligently, and (c) complete the entire work ready for use not later than **490** calendar days. * The time stated for completion shall include final cleanup of the premises.

(End of clause)

SECTION 00010 - SOLICITATION CONTRACT FORM

The contractor period of performance end date has increased by 67 days from 423 days to 490 days.

SUBCLIN 0001AC

The pricing detail quantity has increased by 7,600.00 from 376,000.00 to 383,600.00.

SUBCLIN 0001AD

The pricing detail quantity has increased by 7,600.00 from 376,000.00 to 383,600.00.

SUBCLIN 0001AE

The pricing detail quantity has increased by 81,000.00 from 977,000.00 to 1,058,000.00.

SUBCLIN 0006AB

The pricing detail quantity has decreased by 7,600.00 from 14,000.00 to 6,400.00.

SUBCLIN 0006AC

The pricing detail quantity has decreased by 7,600.00 from 14,000.00 to 6,400.00.

SUBCLIN 0006AD

The CLIN extended description has changed from DREDGING, TRANSPORTATION, DELIVERY, AND PLACEMENT OF NON-ROCK MATERIALS SUITABLE FOR PLACEMENT AT THE HARS AND THE DRILLING, BLASTING, DREDGING, AND DISPOSAL OF ROCK MATERIALS AT THE ARTIFICIAL REEF PLACEMENT SITE

TOTAL BASE BID PLUS OPTIONAL ITEMS:
\$ _____ to DREDGING, TRANSPORTATION, DELIVERY, AND PLACEMENT OF NON-ROCK MATERIALS SUITABLE FOR PLACEMENT AT THE HARS AND THE DRILLING, BLASTING, DREDGING, AND DISPOSAL OF ROCK MATERIALS AT THE ARTIFICIAL REEF PLACEMENT SITE

The pricing detail quantity has decreased by 81,000.00 from 102,000.00 to 21,000.00.

SUBCLIN 0006AE is added as follows:

(End of Summary of Changes)

SECTION 00902

FEDERAL CONSISTENCY DETERMINATION/WATER QUALITY CERTIFICATIONS

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 2

47-40 21ST Street, Long Island City, NY 11101-5407

Phone: (718) 482-4997 • FAX: (718) 482-4975

Website: www.dec.state.ny.us



Erin M. Crotty
Commissioner

February 26, 2004

Via FAX (212) 264-5779 and US Mail

**Re: DEC No. 2-6499-00001/00002
USACE Arthur Kill 40'/41' Deepening
Modification #4: Department Initiated Modification**

Michael Millard, Project Manager
Projects and Management Division
New York District Corps of Engineers
Department of the Army
26 Federal Plaza
New York, NY 10278-0090

Dear Mr. Millard:

Enclosed is the Department Initiated Modification (DIM) the Corp's Arthur Kill 40'/41' Deepening project. The DIM reorganizes the original permit, and adds a silt curtain condition and an upland placement location condition. It also incorporates Modification #2 (Mitigation Condition) and Modification #3 (clarification of authorized dredging depth).

This Department Initiated Modification replaces the original permit as well as Modification #2 and #3. Copies of this modified permit are to be provided to all employees, contractors and agents performing any part of the permitted work.

If you have any questions regarding this permit or if I can be of further assistance, please contact me at (718) 482-4078.

Sincerely,

Kathryn D. McGuckin
Environmental Analyst II

CC: Marc Roth, USACE NY District
Coastal Resources Specialist, NYS DOS Coastal Resources
Suzanne Dietrick, NJDEP Office of Dredging & Sediment Technology
John Ferguson, NYS DEC, Dredge Team Coordinator
John Cryan, NYS DEC Division of Environmental Permits
Leigh Vogel, NYS DEC Division of Marine Resources, Region 2
Captain J. Kaufman, NYS DEC Division of Law Enforcement, Region 2
File/CHRON

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DEC PERMIT NUMBER

2-6499-00001/00002

PROJECT NAME:

USACE Arthur Kill 40'/41' Deepening



PERMIT

Under the Environmental Conservation
Law (ECL)

EFFECTIVE DATE:

April 20, 2001

DIM MODIFICATION DATE:

February 26, 2004

EXPIRATION DATE(S):

April 20, 2006

TYPE OF PERMIT ☐ New ☐ Renewal ☒ Modification #4 (DIM) ☐ Permit to Construct ☐ Permit to Operate

- | | | |
|--|---|--|
| <input type="checkbox"/> Article 15, Title 5: Protection of Waters | <input checked="" type="checkbox"/> 6NYCRR 608: Water Quality Certification | <input type="checkbox"/> Article 27, Title 7; 6NYCRR 360: Solid Waste Management |
| <input type="checkbox"/> Article 15, Title 15: Water Supply | <input type="checkbox"/> Article 17, Titles 7, 8: SPDES | <input type="checkbox"/> Article 27, Title 9; 6NYCRR 373: Hazardous Waste Management |
| <input type="checkbox"/> Article 15, Title 15: Water Transport | <input type="checkbox"/> Article 19: Air Pollution Control | <input type="checkbox"/> Article 34: Coastal Erosion Management |
| <input type="checkbox"/> Article 15, Title 15: Long Island Wells | <input type="checkbox"/> Article 24: Freshwater Wetlands | <input type="checkbox"/> Article 36: Floodplain Management |
| | <input type="checkbox"/> Article 25: Tidal Wetlands | |

PERMIT ISSUED TO

US Army Corps of Engineers

TELEPHONE NUMBER

(212) 264-0100

ADDRESS OF PERMITTEE

Jacob K. Javits Federal Building, New York, NY 10278-0090

CONTACT PERSON FOR PERMITTED WORK

Michael Millard, Project Manager

TELEPHONE NUMBER

(212) 264-2054

NAME AND ADDRESS OF PROJECT/FACILITY

Arthur Kill / Howland Hook Navigational Channel: 40'/41' Deepening

LOCATION OF PROJECT/FACILITY

North and West shore of Staten Island from the confluence with the Kill van Kull to the GATX facility

COUNTY

Richmond

CITY

Staten Island

WATERCOURSE

Arthur Kill

NYTM COORDINATES

DESCRIPTION OF AUTHORIZED ACTIVITY:

Removal of approximately 3.25 million cubic yards of sediment, rock, glacial till and clay, via blasting and dredging, to obtain the navigational depth of 40'/41'.

- 1: Confluence of the Kill van Kull to the southernmost berth at Howland Hook Container Terminal,
 - a. Channel to be dredged to the authorized depth of 44.5 feet,
 - 41' navigational depth plus 2' safety clearance plus 1.5' of overdraft.
- 2: Southernmost berth at Howland Hook to the southern property line of the GATX facility,
 - a. Channel to be dredged to the authorized depth of 43.5 feet,
 - 40' navigational depth plus 2' safety clearance plus 1.5' of overdraft.

By acceptance of this permit, the Permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified (see page 2) and any Special Conditions included as part of this permit.

REGIONAL PERMIT ADMINISTRATOR:

John F. Cryan

ADDRESS

47-40 21 Street
Long Island City, NY 11101

AUTHORIZED SIGNATURE

DATE

February 26, 2004

Page 1 of 8

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee has accepted expressly, by the execution of the application, the full legal responsibility for all damages and costs, direct or indirect, of whatever nature and by whomever suffered, for liability it incurs resulting from activity conducted pursuant to this permit or in noncompliance with this permit and has agreed to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from such activity.

Item B: Permittee to Require it's Contractors to Comply with Permit

The permittee shall require its independent contractors, employees, agents and assigns to read, understand and comply with this permit, including all special conditions, and such persons shall be subject to the same sanctions for violations of this permit as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required for this project.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

GENERAL CONDITIONS

General Condition 1: Facility Inspection by the Department

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3). The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when written or verbal notification is provided by the Department at least 24 hours prior to such inspection.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

General Condition 2: Relationship of this Permit to Other Department Orders and Determinations

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

General Condition 3: Request for Permit Renewals or Modifications

The permittee must submit a separate written request to the Department for renewal, modification or transfer of this permit. Such request must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

The permittee must submit a renewal request at least:

- a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
- b) 30 days before expiration of all other permit types.

Request for permit renewal or modification are to be submitted to:

NYSDEC, Regional Permit Administrator, Region 2
47-40 21ST Street, Long Island City, NY 11101

General Condition 4: Permit Modifications, Suspensions and Revocations by the Department

The Department reserves the right to modify, suspend or revoke this permit when:

- a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
- b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
- c) new material information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.

DEC PERMIT NUMBER 2-6499-00001/00002	PROJECT NAME USACE Arthur Kill 40'/41' Deepening	PAGE <u>2</u> OF <u>8</u>
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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

ADDITIONAL GENERAL CONDITIONS FOR ARTICLES 15,17, 24, 25, and 6 NYCRR Part 608

- 5: That if future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.
- 6: That the State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.
- 7: Granting of this permit does not relieve the applicant of the responsibility of obtaining any other permission, or approval from the U.S. Army Corps of Engineers, U.S. Coast Guard, New York State Office of General Services, or local government which may be required.
- 8: All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate, or any other environmentally deleterious materials associated with the project
- 9: Any material dredged in the conduct of the work herein permitted shall be removed evenly, without leaving large refuse piles, ridges across the bed of a waterway or floodplain or deep holes that may have a tendency to cause damage to navigable channels or to the banks of a waterway.
- 10: There shall be no unreasonable interference with navigation by the work herein authorized.
- 11: If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.
- 12: If granted under Article 36, this permit does not signify in any way that the project will be free from flooding.
- 13: If granted under 6 NYCRR Part 608, the NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306, and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.

DEC PERMIT NUMBER

2-6499-00001/00002

PROJECT NAME

USACE Arthur Kill 40'/41' Deepening

PAGE 3 OF 8

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SPECIAL CONDITIONS for DEC Permit No. 2-6499-00001/00002

Permit Documents

Special Condition # 1:

The documents listed below are a part of this Water Quality Certificate:

Dredging and construction shall be performed according to the following documents:

1. Final Mitigation Plan for Arthur Kill - Howland Hook Marine Terminal Deepening Project, 40/41 Plan, dated March 31, 2000.
2. Final Limited Reevaluation Report and Final Supplemental Environmental Impact Statement - Arthur Kill - Howland Hook Marine Terminal, dated December 1997.
3. Draft FONSI/Draft EA for the Selection of Potential Dredged Material Placement Sites- Arthur Kill - Howland Hook Marine Terminal, dated January 2000.

Special Condition # 2:

A copy of this permit, including all maps and drawings mentioned in the special conditions, is to be available on the project site at all times. Failure to produce a copy of the permit upon request by a DEC representative is a violation of this permit and is sufficient ground for an order to immediately cease all work.

Special Condition # 3:

A NYS DEC permit sign must be posted, protected from the weather, in a conspicuous outdoor location at the project site. This sign is to be posted for the duration of work authorized by this permit.

Special Condition # 4:

Within 10 DAYS of receipt of this WQ Certificate and no less than 15 DAYS PRIOR to the start of dredging, the Permittee must submit the updated Environmental Assessment.

Environmental Windows

Special Condition # 5:

Between 1 April and the end of the first week of May, a qualified biologist, selected by the Permittee and agreed upon by the Department, shall inspect Shooter's Island for the presence of nesting activity by herons or egrets. This inspection shall be conducted once each year that dredging/blasting is expected to occur within 1,000 feet of Shooter's Island. Upon completion of the inspection, Permittee shall submit a written inspection report to Dawn McReynolds at the NYS DEC Region 2 office.

- a. If no active nests are observed, avian protective measures will not be required.
- b. If nesting is confirmed, the following protective measures shall be implemented:
 - i. No blasting and/or dredging activity shall occur within 1,000 feet of Shooter's Island from 1 April - 31 July.
 - ii. The Permittee shall use marker buoys every 200 feet or less (except within the existing federal channel) to indicate the 1,000 foot restricted area.

DEC PERMIT NUMBER 2-6499-00001/00002	PROJECT NAME USACE Arthur Kill 40'/41' Deepening	PAGE <u>4</u> OF <u>8</u>
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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SPECIAL CONDITIONS for DEC Permit No. 2-6499-00001/00002

Special Condition # 6:

To protect winter flounder, dredging and blasting is limited as follows in the 'areas of concern' depicted in green on the attached Appendix 1 map. The areas selected were agreed to by all the involved regulatory agencies and in no way suggest that the New York State Department of Environmental Conservation has regulatory control over activities occurring outside its borders.

- a. Dredging of silt is prohibited in the areas of concern between 01 February and 31 May.
- b. Dredging and blasting of non-silt material is prohibited in the areas of concern between 01 March and 31 May.

Dredging and Placement of Sediments

Prior to Start of Dredging:

Special Condition # 7:

Design drawings indicating the sediment type and volume to be dredged within each contract reach shall be provided to DEC at least 90 days prior to the anticipated dredging start date for a given reach.

Special Condition # 8:

A bathymetric survey (no more than 6 months old) for each contract reach shall be provided to DEC at least sixty (60) days prior to the anticipated dredging start date for a given reach.

Special Condition # 9:

A sediment sampling plan for purposes of conducting bulk sediment chemistry analysis for each contract reach shall be submitted for DEC approval in coordination with the state of New Jersey at least 60 days prior to the anticipated dredging start date for a given reach.

Special Condition # 10:

Sediment test results shall be submitted at least 30 days prior to the anticipated dredging start date of any project contract reach to verify the applicability of the restrictions stated in Special Condition #22.

Special Condition # 11:

At least thirty days prior to the start of dredging, the Permittee shall identify the disposal location(s) for each type of material to be dredged, and submit this information to the Department in writing.

Special Condition # 12:

An 'environmental bucket' is required for dredging silt and other fine-grained unconsolidated material. Drawings and performance specifications of the environmental bucket must be provided to the Department 15 days prior to the anticipated start date of dredging.

- a. The following bucket specifications are required:
 - i. The bucket shall be constructed with sealing gaskets or overlapping sealed design at the jaws, and seals or flaps positioned at locations of vent openings to minimize the loss of material during transport through the water column and into the barge.

DEC PERMIT NUMBER 2-6499-00001/00002	PROJECT NAME USACE Arthur Kill 40'/41' Deepening	PAGE <u>5</u> OF <u>8</u>
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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SPECIAL CONDITIONS for DEC Permit No. 2-6499-00001/00002

- ii. Any seals or flaps designed and/or installed at the jaws and locations of vent openings must tightly cover these openings while the bucket is lifted through the water column and into the barge. If excessive loss of water and/or sediments from the bucket is observed from the time of its breaking the water surface to crossing the barge gunwale, the inspector shall halt dredging operations and inspect the bucket for defects. Operations shall be suspended until all necessary repairs or replacements are made.

Special Condition # 13:

Notification in writing to the DEC for each Contract Reach (1-4) is to be given at the start of work, upon any resumption of work after more than six months of inactivity, and the completion of work allowed by this permit.

During Dredging Operations:

Special Condition # 14:

A certified Army Corps of Engineers inspector shall monitor project operations regularly, and is responsible for ensuring that the project is being conducted in compliance with Special Conditions 6 and 15 of this Water Quality Certificate.

Special Condition # 15:

An 'environmental bucket' is required for dredging silt and/or other fine-grained unconsolidated material.

- 1: Bucket hoist speed shall be limited to approximately 2 feet per second. The bucket shall be lifted in a continuous motion through the water column and into the barge.
- 2: The bucket shall be lowered to the level of the barge gunwales prior to the release of load.
- 3: There shall be no barge overflow when dredging silt and/or other fine-grained unconsolidated material.

Special Condition # 16:

Silt curtain(s) must be deployed across Bridge Creek to minimize resuspended sediments entering Bridge Creek. The silt curtains are to be placed 100 feet landward of the new top of slope of the channel, as depicted on the condition survey titled 'New York Harbor Arthur Kill Channel Navigation Improvement Project Contracts 1-5', sheet 3 of 6, dated 8 May 2003. Silt curtain(s) must be properly deployed and maintained whenever dredging operations are conducted within 1,500 feet of the mouth of Bridge Creek.

Post Dredging and Upland Placement:

Special Condition # 16:

A post dredge survey shall be submitted to DEC within ninety (90) days of the completion of dredging for each contract reach.

Special Condition # 17:

Offloading of Dredged Materials: Should the Permittee select and the Department approve an upland placement site in New York, the Permittee is required to submit an offloading procedures plan for Depart-

DEC PERMIT NUMBER 2-6499-00001/00002	PROJECT NAME USACE Arthur Kill 40'/41' Deepening	PAGE <u>6</u> OF <u>8</u>
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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SPECIAL CONDITIONS for DEC Permit No. 2-6499-00001/00002

ment approval. The offloading procedures plan must be designed to include methods necessary to prevent the loss of dredged material from entering the waterway during the offloading process and must not conflict with any requirements at the upland placement site.

Monitoring Requirements

Special Condition # 18:

At least sixty days prior to the commencement of the project, the Permittee shall consult with DEC staff on development of the following required monitoring programs:

- 1: An analysis of vessel-generated wake impacts on shoreline erosion. Said analysis shall include an assessment of pre- and post-construction shoreline conditions and wake environment in the project area.
- 2: Impacts to benthic habitat. A pre- and post-construction assessment of benthic habitat and benthic utilization of the deepened areas of the channel. Said analysis shall include physical characterization of bottom substrate, a description of the benthic community, and an assessment of Winter Flounder spawning activity and Blue Crab overwintering activity.
- 3: Mitigation site monitoring. As discussed in the Final Mitigation Plan dated May 19, 2000, the final monitoring plan shall be modified to incorporate components of the New York State Salt Marsh Restoration and Monitoring Guidelines. Within 30 days of the effective date of this WQ Cert, Army Corps staff shall meet with Program staff to discuss the necessary modifications.

Mitigation Requirements

Special Condition # 19:

Mitigation activities shall begin no later than six (6) months after commencement of dredging or blasting activity. At least thirty days prior to commencement of mitigation activities, the New York District must provide final details of the mitigation activities, including access points, haul roads, and erosion controls.

Indemnity

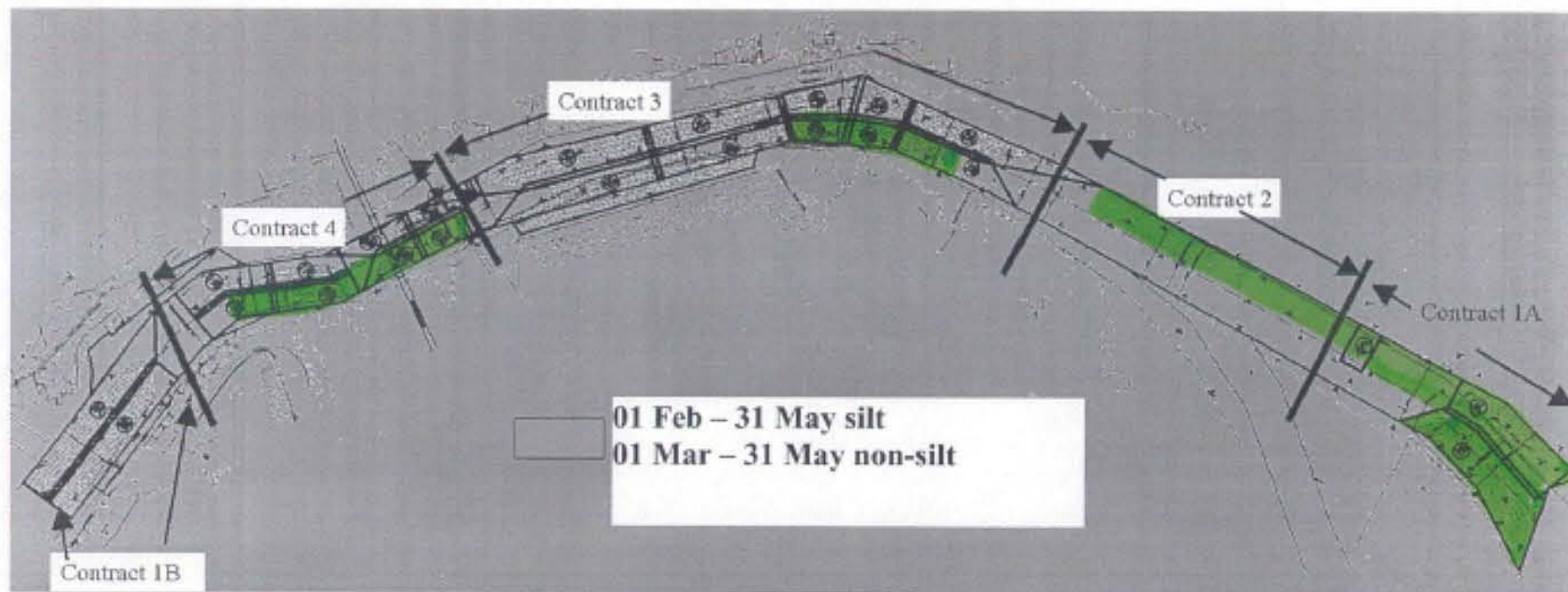
Special Condition # 20:

Item A and General Condition 6 are included by the State of New York as the permit issuing authority under the Clean Water Act. Such conditions do not, nor are they intended to, apply to, abrogate, or annul any obligation, responsibility or liability on the part of the Port Authority of New York and New Jersey to the Federal Government under the terms of a Project Cooperation Agreement (PCA) entered into by those two agencies for the Arthur Kill-Howland Hook Terminal, New York and New Jersey Project. Pursuant to that PCA, the Port Authority of New York and New Jersey remains legally responsible to hold and save the Federal Government free from all damages arising from the construction, operation, and maintenance of the Project and the local service facilities, and if the Port Authority requests such, for any Project-related betterments, including liabilities arising from Item A and General Condition 6, except for damages due to the fault or negligence of the Federal Government or its contractors. No provision of this permit shall be deemed to supercede applicable federal law with regard to appropriation of funds or liability for damages caused by the Army Corps or its agents or other representatives.

DEC PERMIT NUMBER 2-6499-00001/00002	PROJECT NAME USACE Arthur Kill 40'/41' Deepening	PAGE <u>7</u> OF <u>8</u>
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Appendix 1

DEC Permit Number 2-6499-00001/00002



DEC PERMIT NUMBER
2-6499-00001/00002

PROGRAM/FACILITY NUMBER
USACE Arthur Kill 40'/41' Deepening

PAGE 8 OF 8

POST-IT FAX NOTE

1/5/1

Date

2/24/04 pages 1



State of New Jersey

Department of Environmental Protection
 Site Remediation Program
 Office of Dredging and Sediment Technology
 P.O. Box 028
 Trenton, NJ 08625
 (609) 292-1250
 FAX (609) 777-1914

Commissioner

James E. McGreevey
 Governor

Mr. Leonard Houston, Chief
 Environmental Analysis Branch
 Department of the Army
 New York District, Corps of Engineers
 Jacob K. Javits Building
 Federal Building
 New York, New York 10278-0090

February 24, 2004

RE: Federal Consistency Determination / Water Quality Certification
 File:0000-03-0035.1 (CDT 030002)
 Project: Arthur Kill Channel - Howland Hook Deepening Project
 Contract 2 and 3

Dear Mr. Houston:

This letter is forwarded in response to an electronic mail message dated, February 19, 2004 from Michael Millard of the NY District to amend the Federal Consistency and Water Quality Certification (FC/WQC) No. 0000-02-049.1 issued by the Department on February 6, 2004. The request to amend the FC/WQC for this contract was to clarify the timing restriction imposed in the authorization. As a result, Condition #1 has been modified as follows:

1. Dredging of silt is prohibited from February 1st through May 31st and from March 1st through May 31st in non-silt in the areas highlighted in green on the attached chart.

Dredging of silt is prohibited from February 1st through May 31st in the areas highlighted in red on the attached chart. Dredging or blasting of non-silt material is prohibited between March 1st and May 31st in this same area. If nesting is confirmed on Shooters Island, dredging is prohibited within 1,000 feet of the island from April 1st through July 31st.

Please be advised that all other conditions of the FC/WQC issued February 6, 2004 remain in full force and effect. If you have any questions regarding the above, please feel free to contact me at (609) 292-8838. Should you have any questions regarding this determination and certification, please do not hesitate to contact me at (609) 292-8838.

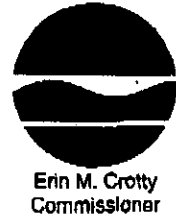
Sincerely,

Suzanne U. Dietrick, Chief
 Office of Dredging and Sediment Technology

C: Richard Gimello, Executive Director, Office of Maritime Resources
 Steve Dorrier, Port Authority of NY/NJ

Kathryn D. McGuckin
 NY Department of Environmental Conservation
 Division of Environmental Permits, Region 2
 47-40 21st Street
 Long Island City, NY 11101-5407

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 2
47-40 21ST Street, Long Island City, NY 11101-5407
Phone: (718) 482-4997 • FAX: (718) 482-4975
Website: www.dec.state.ny.us



February 19, 2004
Via FAX (212) 264-5779 and US Mail

Re: DEC No. 2-6499-00001/00002
USACE Arthur Kill 40'/41' Deepening
Modification #3: Clarification of the Authorized Dredging Depth

Michael Millard, Project Manager
Projects and Management Division
New York District Corps of Engineers
Department of the Army
26 Federal Plaza
New York, NY 10278-0090

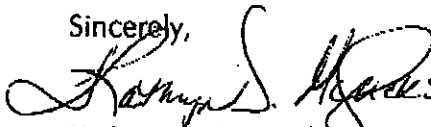
Dear Mr. Millard:

Enclosed is modification to the Corp's Arthur Kill permit as requested in your email of December 22, 2003.

This modification clarifies the permitted dredging depth for this project. And replaces the original permit. Copies of this revised permit are to be provided to all employees, contractors and agents performing any part of the permitted work.

If you have any questions regarding this permit or if I can be of further assistance, please contact me at (718) 482-4078.

Sincerely,



Kathryn D. McGuckin
Environmental Analyst II

DEC No. 2-6499-00001/00002

USACE: Arthur Kill 40'/41' Deepening - Permit Modification #3

February 19, 2004

Page 2 of 2

CC: Marc Roth, USACE NY District
Steve Resler, NYS DOS Coastal Resources
John Cryan, DEC Division of Environmental Permits
Leigh Vogel, DEC Division of Marine Resources, Region 2
Captain J. Kaufman, DEC Division of Law Enforcement, Region 2
File/CI IRON

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DEC PERMIT NUMBER

2-6499-00001/00002

PROJECT NAME:

USACE Arthur Kill 40'/41' Deepening



PERMIT

Under the Environmental Conservation
Law (ECL)

EFFECTIVE DATE:

April 20, 2001

MODIFICATION DATE:

February 19, 2004

EXPIRATION DATE(S):

April 20, 2006

TYPE OF PERMIT ☒ New ☐ Renewal ☐ Modification ☐ Permit to Construct ☐ Permit to Operate

- | | | |
|--|---|--|
| <input type="checkbox"/> Article 15, Title 5: Protection of Waters | <input checked="" type="checkbox"/> 6NYCRR 608: Water Quality Certification | <input type="checkbox"/> Article 27, Title 7; 6NYCRR 360: Solid Waste Management |
| <input type="checkbox"/> Article 15, Title 15: Water Supply | <input type="checkbox"/> Article 17, Titles 7, 8: SPDES | <input type="checkbox"/> Article 27, Title 9; 6NYCRR 373: Hazardous Waste Management |
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| <input type="checkbox"/> Article 15, Title 15: Long Island Wells | <input type="checkbox"/> Article 24: Freshwater Wetlands | <input type="checkbox"/> Article 36: Floodplain Management |
| <input type="checkbox"/> Article 25: Tidal Wetlands | | |

PERMIT ISSUED TO

US Army Corps of Engineers

TELEPHONE NUMBER

(212) 264-0100

ADDRESS OF PERMITTEE

Jacob K. Javits Federal Building, New York, NY 10278-0090

CONTACT PERSON FOR PERMITTED WORK

Michael Millard, Project Manager

TELEPHONE NUMBER

(212) 264-2054

NAME AND ADDRESS OF PROJECT/FACILITY

Arthur Kill / Howland Hook Navigational Channel: 40'/41' Deepening

LOCATION OF PROJECT/FACILITY

North and West shore of Staten Island from the confluence with the Kill van Kull to the GATX facility

COUNTY

Richmond

CITY

Staten Island

WATERCOURSE

Arthur Kill

NYTM COORDINATES

DESCRIPTION OF AUTHORIZED ACTIVITY:

Removal of approximately 3.25 million cubic yards of sediment, rock, glacial till and clay, via blasting and dredging, to obtain the navigational depth of 40'/41'.

- 1: Confluence of the Kill van Kull to the southernmost berth at Howland Hook Container Terminal,
 - a. Channel to be dredged to the authorized depth of 44.5 feet,
 - 41' navigational depth plus 2' safety clearance plus 1.5' of overdraft.
- 2: Southernmost berth at Howland Hook to the southern property line of the GATX facility,
 - a. Channel to be dredged to the authorized depth of 43.5 feet,
 - 40' navigational depth plus 2' safety clearance plus 1.5' of overdraft.

By acceptance of this permit, the Permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified (see page 2) and any Special Conditions included as part of this permit.

REGIONAL PERMIT ADMINISTRATOR:

John F. Cryan

ADDRESS

47-40 21 Street
Long Island City, NY 11101

AUTHORIZED SIGNATURE

DATE

February 19, 2004

Page 1 of 6

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee has accepted expressly, by the execution of the application, the full legal responsibility for all damages and costs, direct or indirect, of whatever nature and by whomever suffered, for liability it incurs resulting from activity conducted pursuant to this permit or in noncompliance with this permit and has agreed to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from such activity.

Item B: Permittee to Require it's Contractors to Comply with Permit

The permittee shall require its independent contractors, employees, agents and assigns to read, understand and comply with this permit, including all special conditions, and such persons shall be subject to the same sanctions for violations of this permit as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required for this project.

Item D: No-Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

GENERAL CONDITIONS

General Condition 1: Facility Inspection by the Department

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when written or verbal notification is provided by the Department at least 24 hours prior to such inspection.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

General Condition 2: Relationship of this Permit to Other Department Orders and Determinations

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

General Condition 3: Request for Permit Renewals or Modifications

The permittee must submit a separate written request to the Department for renewal, modification or transfer of this permit. Such request must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

The permittee must submit a renewal request at least:

- a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
- b) 30 days before expiration of all other permit types.

Request for permit renewal or modification are to be submitted to:

NYSDEC, Regional Permit Administrator, Region 2
47-40 21ST Street, Long Island City, NY 11101

General Condition 4: Permit Modifications, Suspensions and Revocations by the Department

The Department reserves the right to modify, suspend or revoke this permit when:

- a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
- b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
- c) new material information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.

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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

ADDITIONAL GENERAL CONDITIONS FOR ARTICLES 15,17, 24, 25, and 6 NYCRR Part 608

- 5: That if future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.
- 6: That the State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.
- 7: Granting of this permit does not relieve the applicant of the responsibility of obtaining any other permission, or approval from the U.S. Army Corps of Engineers, U.S. Coast Guard, New York State Office of General Services, or local government which may be required.
- 8: All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate, or any other environmentally deleterious materials associated with the project.
- 9: Any material dredged in the conduct of the work herein permitted shall be removed evenly, without leaving large refuse piles, ridges across the bed of a waterway or floodplain or deep holes that may have a tendency to cause damage to navigable channels or to the banks of a waterway.
- 10: There shall be no unreasonable interference with navigation by the work herein authorized.
- 11: If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.
- 12: If granted under Article 36, this permit does not signify in any way that the project will be free from flooding.
- 13: If granted under 6 NYCRR Part 608, the NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306, and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.

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PROJECT NAME
USACE Arthur Kill 40'/41' Deepening

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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SPECIAL CONDITIONS

- 14: Dredging and construction shall be performed according to the following documents:
- Final Mitigation Plan for Arthur Kill - Howland Hook Marine Terminal Deepening Project, 40/41 Plan, dated March 31, 2000.
 - Final Limited Reevaluation Report and Final Supplemental Environmental Impact Statement - Arthur Kill - Howland Hook Marine Terminal, dated December 1997.
 - Draft FONSI/Draft EA for the Selection of Potential Dredged Material Placement Sites- Arthur Kill - Howland Hook Marine Terminal, dated January 2000.
- 15: A bathymetric survey (no more than 6 months old) for each contract reach shall be provided to DEC at least sixty (60) days prior to the anticipated dredging start date for a given reach. A post dredge survey shall be submitted to DEC within ninety (90) days of the completion of dredging for each contract reach.
- 16: Design drawings indicating the sediment type and volume to be dredged within each contract reach shall be provided to DEC at least 90 days prior to the anticipated dredging start date for a given reach.
- 17: A sediment sampling plan for purposes of conducting bulk sediment chemistry analysis for each contract reach shall be submitted for DEC approval in coordination with the state of New Jersey at least 60 days prior to the anticipated dredging start date for a given reach.
- 18: Sediment test results shall be submitted at least 30 days prior to the anticipated dredging start date of any project contract reach to verify the applicability of the restrictions stated in Special Condition #22.
- 19: At least thirty days prior to the start of dredging, the Permittee shall identify the disposal locations(s) for each type of material to be dredged, and submit this information to the Department in writing.
- 20: Between 1 April and the end of the first week of May, a qualified biologist, selected by the Permittee and agreed upon by the Department, shall inspect Shooter's Island for the presence of nesting activity by herons or egrets. This inspection shall be conducted once each year that dredging/blasting is expected to occur within 1,000 feet of Shooter's Island. Upon completion of the inspection, Permittee shall submit a written inspection report to Dawn McReynolds at the NYS DEC Region 2 office.
- If no active nests are observed, avian protective measures will not be required.
 - If nesting is confirmed, the following protective measures shall be implemented:
 - No blasting and/or dredging activity shall occur within 1,000 feet of Shooter's Island from 1 April - 31 July.
 - The Permittee shall use marker buoys every 200 feet or less (except within the existing federal channel) to indicate the 1,000 foot restricted area.
- 21: A certified Army Corps of Engineers inspector shall monitor project operations regularly, and is responsible for ensuring that the project is being conducted in compliance with Special Conditions 22 and 23 of this Water Quality Certificate.
- 22: To protect winter flounder, dredging and blasting is limited as follows in the 'areas of concern' depicted in green on the attached Appendix 1 map.
- Dredging of silt is prohibited in the areas of concern between 01 February and 31 May.
 - Dredging and blasting of non-silt material is prohibited in the areas of concern between 01 March and 31 May.
- 23: An 'environmental bucket' is required for dredging silt and/or other fine-grained unconsolidated material. Drawings and performance specifications of the environmental bucket must be provided to the Department 15 days prior to the anticipated start date of dredging.

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PROJECT NAME

USACE Arthur Kill 40/41' Deepening

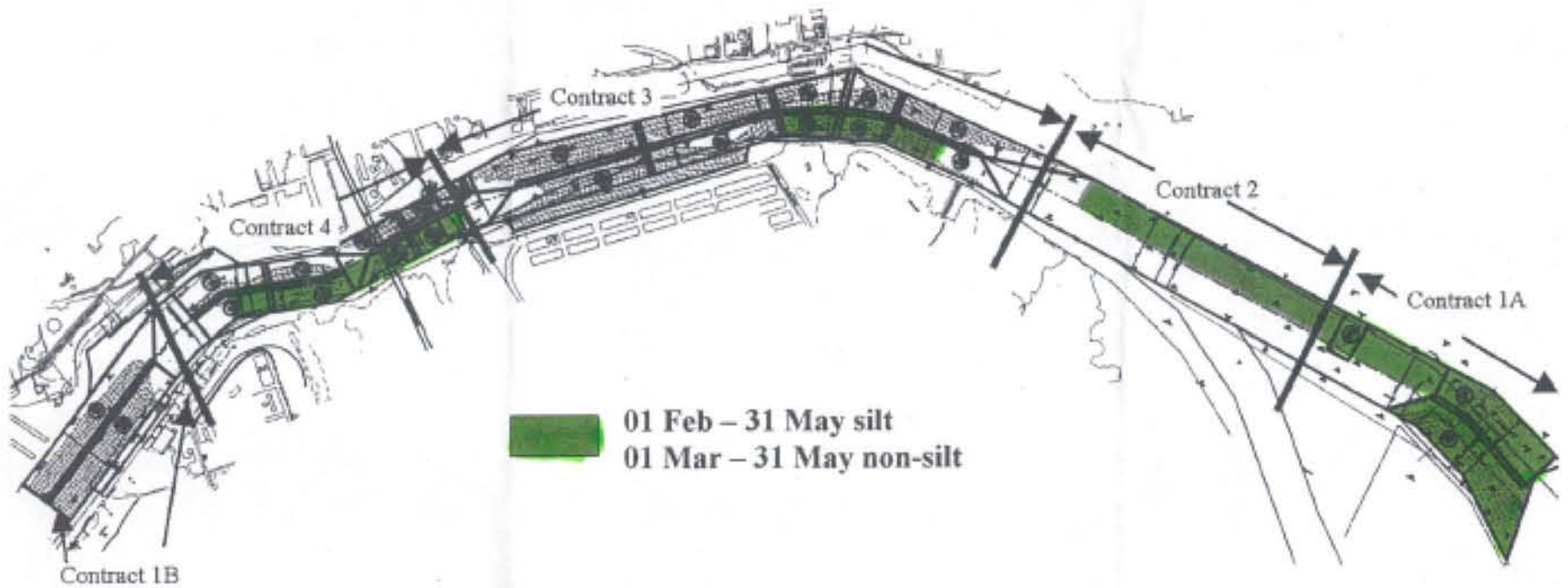
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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- a. The following bucket specifications are required:
- The bucket shall be constructed with sealing gaskets or overlapping sealed design at the jaws, and seals or flaps positioned at locations of vent openings to minimize the loss of material during transport through the water column and into the barge.
 - Any seals or flaps designed and/or installed at the jaws and locations of vent openings must tightly cover these openings while the bucket is lifted through the water column and into the barge. If excessive loss of water and/or sediments from the bucket is observed from the time of its breaking the water surface to crossing the barge gunwale, the Inspector shall halt dredging operations and inspect the bucket for defects. Operations shall be suspended until all necessary repairs or replacements are made.
- b. Bucket hoist speed shall be limited to approximately 2 feet per second. The bucket shall be lifted in a continuous motion through the water column and into the barge.
- c. The bucket shall be lowered to the level of the barge gunwales prior to the release of load.
- d. There shall be no barge overflow when dredging silt and/or other fine-grained unconsolidated material.
- 24: Mitigation activities shall begin prior to, or concurrently with, commencement of dredging or blasting activity. At least sixty days prior to commencement of the project, the Permittee shall provide final details of the mitigation activities, including access points, haul roads, and erosion controls.
- 25: At least sixty days prior to the commencement of the project, the Permittee shall consult with DEC staff on development of the following required monitoring programs:
- An analysis of vessel-generated wake impacts on shoreline erosion. Said analysis shall include an assessment of pre- and post-construction shoreline conditions and wake environment in the project area.
 - Impacts to benthic habitat. A pre- and post-construction assessment of benthic habitat and benthic utilization of the deepened areas of the channel. Said analysis shall include physical characterization of bottom substrate, a description of the benthic community, and an assessment of Winter Flounder spawning activity and Blue Crab overwintering activity.
 - Mitigation site monitoring. As discussed in the Final Mitigation Plan dated May 19, 2000, the final monitoring plan shall be modified to incorporate components of the New York State Salt Marsh Restoration and Monitoring Guidelines. Within 30 days of the effective date of this WQ Cert, Army Corps staff shall meet with Program staff to discuss the necessary modifications.
- 26: Item A and General Condition 6 are included by the State of New York as the permit issuing authority under the Clean Water Act. Such conditions do not, nor are they intended to, apply to, abrogate, or annul any obligation, responsibility or liability on the part of the Port Authority of New York and New Jersey to the Federal Government under the terms of a Project Cooperation Agreement (PCA) entered into by those two agencies for the Arthur Kill-Howland Hook Terminal, New York and New Jersey Project. Pursuant to that PCA, the Port Authority of New York and New Jersey remains legally responsible to hold and save the Federal Government free from all damages arising from the construction, operation, and maintenance of the Project and the local service facilities, and if the Port Authority requests such, for any Project-related betterments, including liabilities arising from Item A and General Condition 6, except for damages due to the fault or negligence of the Federal Government or its contractors. No provision of this permit shall be deemed to supercede applicable federal law with regard to appropriation of funds or liability for damages caused by the Army Corps or its agents or other representatives.
- 27: Notification in writing to the DEC for each Contract Reach (1-4) is to be given at the start of work, upon any resumption of work after more than six months of inactivity, and the completion of work allowed by this permit.

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Appendix 1
DEC Permit Number 2-6499-00001/00002



SECTION 00903

FEB 20 '04 15:39 FR SUPPORT SERVICES

SHEET 1 OF 1

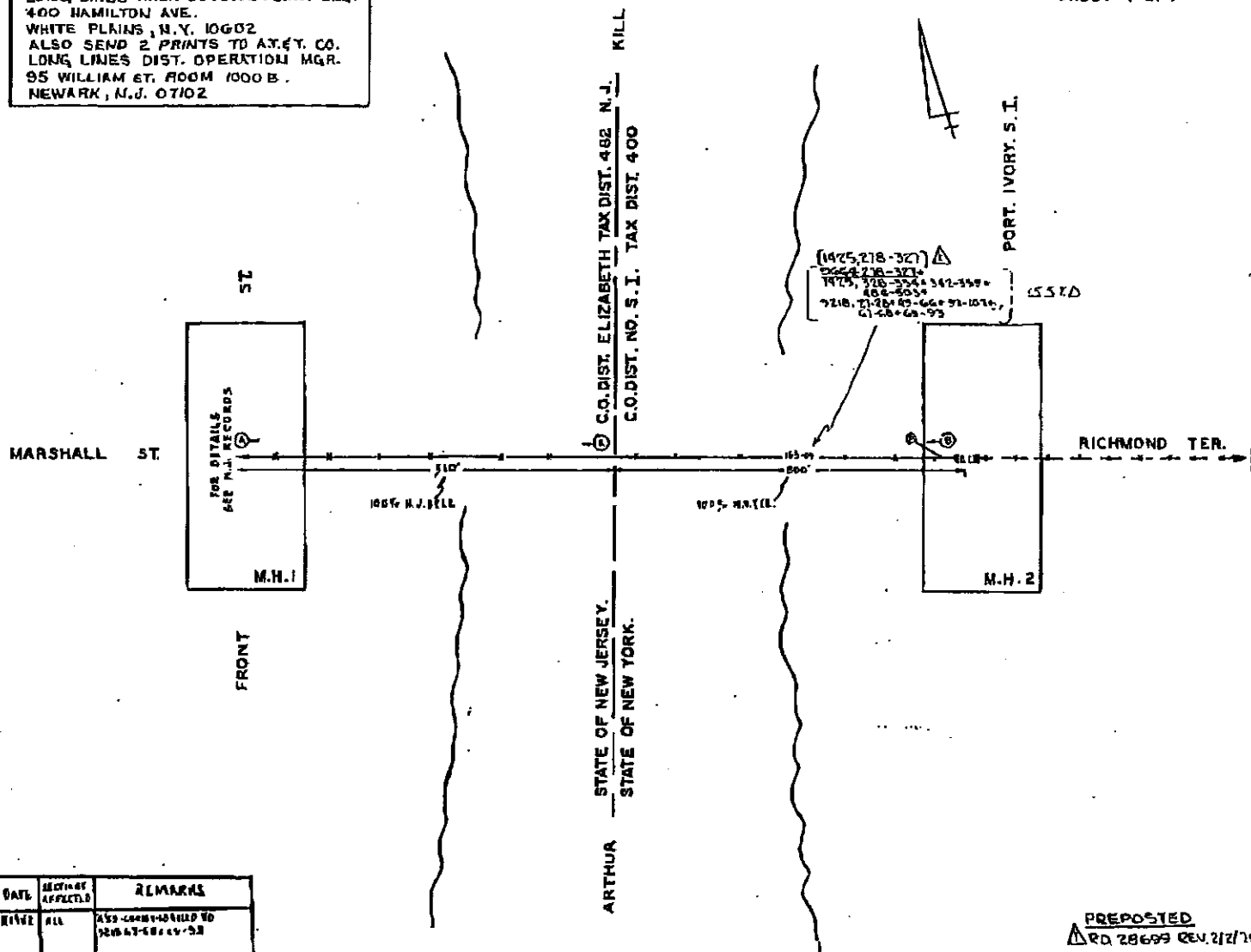
SECTION	SWAN PLACED	REV. DATE	REMARKS
22	1944	1944	RECEIVED
27	11-1-44	1944	
28	1944	1944	
29	1944	1944	RECEIVED
30	1944	1944	RECEIVED

DET. NAME OR SOURCE OF THE INFORMATION	DATE	YEAR PLACED	ENT. # FT.	RE MARKS
5-44823 T-466	4/16/52	1952	7756-4	AWT-60 M.D. 200-88
1854 SN	4/16/52	1952	7756-4 No. 1700A	Refer to M.D. 200-88

[illegible]

EST. E. FT.	SECTION	DIV NO. 1005	DESCRIPTION OF WEAR
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CABLE No.
4012 1400



SECTION 01270

MEASUREMENT AND PAYMENT

PART 1 GENERAL

1.1 LUMP SUM PAYMENT ITEMS

Payment items for the work of this contract for which contract lump sum payments will be made are listed in the BIDDING SCHEDULE (Price Schedule) and described below. All costs for items of work, which are not specifically mentioned to be included in a particular lump sum or unit price payment item, shall be included in the listed lump sum item most closely associated with the work involved. The lump sum price and payment made for each item listed shall constitute full compensation for furnishing all plant, labor, materials, and equipment, and performing any associated Contractor quality control, environmental protection, meeting safety requirements, tests and reports, and for performing all work required for which separate payment is not otherwise provided.

1.1.1 Mobilization and Demobilization (**Item Nos. 0001AA, 0003AA, 0004AA, 0005AA and 0006AA**)

1.1.1.1 Payment

Payment will be made for costs associated with mobilization and demobilization, as defined in Contract Clause PAYMENT FOR MOBILIZATION AND DEMOBILIZATION section 00700 CC 252.236-7004(DEC 1991).

Payment under Option Item Nos, **0003AA, 0004AA, 0005AA, and 0006AA** MOBILIZATIONS AND DEMOBILIZATION: will be made under this contract only upon complete documentation by the Contractor that a mobilization surcharge has been appropriately incurred by the approved upland processor and placement site due to the exercise of the option. No other payment will be made under this contract for additional mobilization activities. The Government is under no obligation to award all or any of the Optional Items

1.1.1.2 Unit of Measure Unit of measure: lump sum.

1.1.2 Field Office (**Item No. 0001AG**)

1.1.2.1 Payment

Payment will be made for costs associated with operations necessary for installation, including all office equipment, system setup, maintenance services, and removal of equipment at designated area in accordance with the requirements specified in paragraph entitled "FIELD OFFICE" of Section 00800:Special Contract Requirements.

1.1.2.2 Unit of Measure

Unit of measure: lump sum.

1.1.3 Additional cost for Optional Insurance (**Item No. 0002**)

1.1.3.1 Payment

Payment will be made for costs associated with additional insurance premium provided by the contractor as per requirements specified in Section 00800.

1.1.3.2 Unit of Measure

Unit of measure: lump sum.

1.1.4 Removal and Disposal of Abandoned Telephone Cables (**Item No. 0006AE**)

1.1.4.1 Payment

Payment will be made for costs associated with works necessary for removal and disposal of abandoned telephone cable as requirements specified in Section 02220: Telephone Cable Removal.

1.1.4.2 Unit of Measure

Unit of Measure: lump sum.

1.2 UNIT PRICE PAYMENT ITEMS

Payment items for the work of this contract on which the contract unit price payments will be made are listed in the PRICE SCHEDULE and described below.

The unit price and payment made for each item listed shall constitute full compensation for furnishing all plant, labor, materials, and equipment, and performing any associated Contractor quality control, environmental protection, meeting safety requirements, tests and reports, and for performing all work required for each of the unit price items.

1.2.1 Debris, Removal and Disposal (**Item No. 0001AB**)

1.2.1.1 Payment

Payment will be made for costs associated with the collection, storage and handling, and the removal from the site and proper disposal of all debris recovered from the bottom and including cables, pilings, line, concrete, etc, all floating debris and all objects, which are unsuitable for placement in the HARS or upland disposal site or artificial reef site.

1.2.1.2 Unit of Measurement

Unit of measure: ton (2,000 lbs).

1.2.2 Dredging, Transportation, Delivery, Processing and Placement of Non-Rock Dredged Materials **Unsuitable for Placement at the HARS**, Excluding Dewatering: (Dewatering **Item Nos. 0001AD, 0003AC, 0004AC, 0005AC and 0006AC**)

Dredging and Disposal of Non-Rock Materials Unsuitable for Placement at the HARS
Placement at the Newark Bay Confined Disposal Facility (NBCDF) Excluding
Dewatering and Excludes Processing

-Item No. 0001AC; Dredging, Transportation, Delivery, Processing and placement of non-rock Materials Unsuitable for Placement at the HARS, Placement at THE CONTRACTOR'S IDENTIFIED DISPOSAL FACILITY (IES) (excludes dewatering).

-Item No. 0001AH; Dredging, and placement of non-rock Materials Unsuitable for placement at the HARS, Excludes Dewatering and Excludes Processing (placement at, NBCDF).

-Item No. 0003AB; Dredging, Transportation, Delivery, Processing and placement of non-rock Materials Unsuitable for Placement at the HARS, Placement at THE CONTRACTOR'S IDENTIFIED DISPOSAL FACILITY (IES)(excludes dewatering).

-Item No. 0004AB; Dredging, Transportation, Delivery, Processing and placement of non-rock materials Unsuitable for Placement at the HARS, Placement at THE CONTRACTOR'S IDENTIFIED DISPOSAL FACILITY (IES)(excludes dewatering).

-Item No. 0005AB; Dredging, Transportation, Delivery, Processing and placement of non-rock materials Unsuitable for Placement at the HARS, Placement at THE CONTRACTOR'S IDENTIFIED DISPOSAL FACILITY (IES)(excludes dewatering).

-Item No. 0006AB; Dredging, Transportation, Delivery, Processing and placement of non-rock materials Unsuitable for Placement at the HARS, Placement at THE CONTRACTOR'S IDENTIFIED DISPOSAL FACILITY (IES)(excludes dewatering).

Payment will be made for costs associated with dredging, including transportation and deposition of dredge material at designated disposal sites, processing, monitoring, and other incidental thereto, including hydrographic surveys.

1.2.2.2 Measurement

The total quantity of dredged material for which payment will be made will be by in-situ (quantity) measurement in cubic yards by computing the difference of available material between the pre-dredge survey and the post-dredge survey. Available material is defined as material located within the boundaries of the dredged prism as shown on the drawings to include the required dredged depths indicated on the drawings and up to 1.5 ft allowable overdepth. Specifically, a quantity of available material will be computed between the dredge prism and the bottom surface shown by the soundings of the Government's pre-dredge survey, and a quantity of available material will be computed between the dredge prism and the bottom surface shown by the Government post-dredge survey. The difference between these two available quantities (pre-dredge and post-dredge) will constitute the quantity of material dredged. Misplaced materials (including any required removal and placement), excessive dredging, and materials falling or

drawn into the cut from beyond the side slope plane or beyond the limits indicated, will be excluded from the quantities for which payment will be made. The Triangulated Irregular Network (TIN) method will be used for quantity determination.

1.2.2.3 Unit of Measure

Unit of measure: cubic yard.

1.2.3 Dewatering in Accordance with NY AND NJ WQCs and THE CONTRACTOR'S IDENTIFIED DISPOSAL FACILITY (IES) Specifications for Upland Placement (**Item Nos. 0001AD, 0003AC, 0004AC, 0005AC and 0006AC**)

1.2.3.1 Payment

Payment will be made for costs associated with dewatering, monitoring, and other incidental thereto, excluding transportation to berthing areas.

1.2.3.2 Measurement

The total quantity of dewatering material for which payment will be made will be by in-situ (quantity) measurement in cubic yards by computing the difference of available material between the pre-dredge survey and the post-dredge survey. Available material is defined as material located within the boundaries of the dredged prism as shown on the drawings to include the required dredged depths indicated on the drawings and up to 1.5 ft allowable overdepth. Specifically, a quantity of available material will be computed between the dredge prism and the bottom surface shown by the soundings of the Government's pre-dredge survey, and a quantity of available material will be computed between the dredge prism and the bottom surface shown by the Government post-dredge survey. The difference between these two available quantities (pre-dredge and post-dredge) will constitute the quantity of material dredged. Misplaced materials (including any required removal and placement), excessive dredging, and materials falling or drawn into the cut from beyond the side slope plane or beyond the limits indicated, will be excluded from the quantities for which payment will be made. The Triangulated Irregular Network (TIN) method will be used for quantity determination.

1.2.3.3 Unit of Measure

Unit of measure: cubic yard.

1.2.4 Dredging and Disposal of Non-Rock for Placement at the **HARS** and the Drilling, Blasting, Dredging, and Disposal of Rock Materials for Placement at the Artificial **Reef** (Axel Carlson Reef)

-**Item No.0001AE**; Dredging, Transportation, and placement of Dredged Materials **Suitable** for Placement at the **HARS** and material **Suitable** for Placement at the **reef site**,

-**Item No. 0003AD**; Dredging, Transportation, and placement of Dredged materials **Suitable** for Placement at the **HARS** and material **Suitable** for Placement at the **reef site**,

-**Item No. 0004AD**: Dredging, Transportation, and placement of Dredged materials

Suitable for Placement at the **HARS** and material **Suitable** for Placement at the **reef site**,

-Item No. 0005AD: Dredging, Transportation, and placement of Dredged materials
Suitable for Placement at the **HARS** and material **Suitable** for Placement at the **reef site**,

-Item No. 0006AD: Dredging, Transportation, and placement of Dredged materials
Suitable for Placement at the **HARS** and material **Suitable** for Placement at the **reef site**,

1.2.4.1 Payment

Payment will be made for costs associated with dredging, including transportation and placement of dredge material at the HARS and/or the Reef, monitoring, and other incidental thereto, including hydrographic surveys.

1.2.4.2 Measurement

The total quantity of dredged material for which payment will be made will be by in-situ (quantity) measurement in cubic yards by computing the difference of available material between the pre-dredge survey and the post-dredge survey. Available material is defined as material located within the boundaries of the dredge prism as shown on the drawings to include the required dredged depths indicated on the drawings and up to 1.5 ft allowable overdepth. Specifically, a quantity of available material will be computed between the dredge prism and the bottom surface shown by the soundings of the Government's pre-dredge survey, and a quantity of available material will be computed between the dredged prism and the bottom surface shown by the Government post-dredge survey. The difference between these two available quantities (pre-dredge and post-dredge) will constitute the quantity of material dredged. Misplaced materials (including any required removal and placement), excessive dredging, and materials falling or drawn into the cut from beyond the side slope plane or beyond the limits indicated, will be excluded from the quantities for which payment will be made. The Triangulated Irregular Network (TIN) method will be used for quantity determination.

1.2.4.3 Unit of Measure

Unit of measure: cubic yard.

1.2.5 Subsurface drilling and sampling (**Item No. 0001AF**)

1.2.5.1 Payment

Payment will be made for costs associated with subsurface drilling and sampling for each drill hole performed, including mobilization and demobilization of all equipment necessary to perform the required drilling sampling, and coring to a depth of **55 feet below MLW**. Mobilization and demobilization will include a drill rig of complete assembly and in working order as well as the transportation of samples and cores to the Caven Point Marine Terminal. Size of sampling shall be 1-3/8 inch diameter and size of rock core shall be NX diameter core.

1.2.5.2 Measurement

The measurement for drilling drive sample drill holes including soil sampling and rock

core drilling (vertical) will be the number of holes that were drilled in accordance with the specifications. Measurements will be made from mean low water.

1.2.5.3 Unit of Measure

Unit of measure: each.

-----End of Section----

SECTION 02220
TELEPHONE CABLE REMOVAL
12/97

PART 1 GENERAL

1.1 REFERENCES

The publications listed below form a part of this specification to the extent referenced. The publications are referred to in the text by basic designation only.

ENGINEERING MANUALS (EM)

EM 385-1-1	(1996) U.S. Army Corps of Engineers Safety and Health Requirements Manual
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1.2 GENERAL REQUIREMENTS

The work includes demolition, salvage of identified items and materials, and removal of resulting rubbish and debris. Rubbish and debris shall be removed from Government property daily, unless otherwise directed, to avoid accumulation at the demolition site. Materials that cannot be removed daily shall be stored in areas specified by the Contracting Officer. In the interest of occupational safety and health, the work shall be performed in accordance with EM 385-1-1, Section 23, Demolition, and other applicable Sections. In the interest of conservation, salvage shall be pursued to the maximum extent possible; salvaged items and materials shall be disposed of as specified.

1.3 SUBMITTALS

Government approval is required for submittals with a "G" designation; submittals not having a "G" designation are for information only. When used, a designation following the "G" designation identifies the office that will review the submittal for the Government. The following shall be submitted in accordance with Section 01330 SUBMITTAL PROCEDURES:

SD-08 Statements

Work Plan; G.

The procedures proposed for the accomplishment of the work. The procedures shall provide for safe conduct of the work, including procedures and methods to provide necessary supports, lateral bracing and shoring when required, careful removal and disposition of materials specified to be salvaged, protection of property which is to remain undisturbed, coordination with other work in progress, and timely disconnection of utility services. The procedures shall include a detailed description of the methods and equipment to be used for each operation, and the sequence of operations in accordance with EM 385-1-1.

1.4 PROTECTION

1.4.1 Protection of Personnel

During the demolition work the Contractor shall continuously evaluate the condition of the cables being demolished and take immediate action to protect all personnel working in and around the demolition site. No area, section, or component of cables, fittings, or other structural element will be allowed to be left on the site without sufficient supervision, or to prevent collapse or failure while workmen remove debris or perform other work in the immediate area.

1.4.2 Protection of Structures

The Contractor shall ensure that no elements determined to be unstable are left unsupported and shall be responsible for placing and securing bracing, shoring, or lateral supports as may be required as a result of any cutting, removal, or demolition work performed under this contract.

1.4.3 Protection of Existing Property

Before beginning any demolition work, the Contractor shall survey the site and examine the drawings and specifications to determine the extent of the work. The Contractor shall coordinate the work of this section with all other work and shall construct and maintain shoring, bracing, and supports as required. The Contractor shall ensure that structural elements are not overloaded and shall be responsible for increasing structural supports or adding new supports as may be required as a result of any cutting, removal, or demolition work performed under this contract.

1.4.4 Environmental Protection

The work shall comply with the requirements of Section 01130 ENVIRONMENT PROTECTION.

1.5 BURNING

The use of burning at the project site for the disposal of refuse and debris will not be permitted.

1.6 USE OF EXPLOSIVES

Use of explosives to remove the existing utility will not be permitted.

PART 2 PRODUCTS (Not Applicable)

PART 3 EXECUTION

3.1 TELEPHONE CABLES

Existing abandoned telephone cable shall be removed and disposed as indicated. When other utility lines are encountered that are not indicated on the drawings, the Contracting Officer shall be notified prior to further work in that area. The following abandoned telephone cable is found in the contract area and is required to be remove and dispose of:

Owner	No. of Cables	Cable Make-up	Dia (in)	Weight (lbs/ft)
Verizon	1	153 copper wires, 19 gauge	4	17

Encased with an outer lead sheath, wrapped with a single steel ribbon protection.

3.2 DISPOSITION OF MATERIAL

Title to material and equipment to be demolished, except Government salvage and historical items, is vested in the Contractor upon receipt of notice to proceed. The Government will not be responsible for the condition, loss or damage to such property after notice to proceed.

3.2.1 Salvageable Items and Material

The Contractor shall retain the rights to salvage value of recycled items and material to the maximum extent possible. At the end of the contract, the Contractor shall provide documentation on the disposition of salvaged materials.

3.2.1.1 Material Salvaged for the Contractor

Material salvaged for the Contractor shall be stored as approved by the Contracting Officer and shall be removed from Government property before completion of the contract. Material salvaged for the Contractor shall not be sold on the site.

3.2.1.2 Items Salvaged for the Government

Salvaged items to remain the property of the Government shall be removed in a manner to prevent damage, and packed or crated to protect the items from damage while in storage or during shipment. Items damaged during removal or storage shall be repaired or replaced to match existing items. Containers shall be properly identified as to contents. The following items reserved as property of the Government shall be delivered to the areas designated: Anchors, chains, firearms, and other articles of value, which are brought to the surface during dredging and demolition operations, shall remain or become the property of the Government and shall be deposited on shore at a convenient location near the site of the work, as directed.

3.3 CLEAN UP

Debris and rubbish shall be removed from basement and similar excavations. Debris shall be removed and transported in a manner that prevents spillage on streets or adjacent areas. Local regulations regarding hauling and disposal shall apply.

3.3 MEASUREMENTS AND PAYMENT

Measurement and Payment shall be in accordance with the applicable paragraphs in Section 01270: MEASUREMENT AND PAYMENT.

-- End of Section -